

Before the
Federal Communications Commission
Washington, D.C. 20554

RECEIVED

JUN 16 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Amendment of Section 73.202(b),)	
Table of Allotments,)	MM Docket No. 00-148
FM Broadcast Stations.)	RM-9939
(Quanah, Archer City, Converse, Flatonia,)	RM-10198
Georgetown, Ingram, Keller, Knox City,)	
Lakeway, Lago Vista, Llano, McQueeney,)	
Nolanville, San Antonio, Seymour, Waco and)	
Wellington, Texas, and Ardmore, Durant,)	
Elk City, Healdton, Lawton and Purcell,)	
Oklahoma.))	

To: Chief, Audio Division
Media Bureau

**PETITION FOR PARTIAL RECONSIDERATION
AND REQUEST FOR EXPEDITED ACTION**

Rawhide Radio, LLC, Capstar TX Limited Partnership, and Clear Channel Broadcasting Licenses, Inc. (collectively "Joint Petitioners"), by their counsel, pursuant to Section 1.429 of the Commission's Rules, 47 C.F.R. § 1.429, hereby petition for partial reconsideration of the *Report and Order* in the above-captioned proceeding, DA 03-1533 (rel. May 8, 2003). The *Report and Order* reviewed Joint Petitioners' Counterproposal and severed it into two parts. The Joint Petitioners ask the Commission to (i) reconsider that portion of the *Report and Order* which summarily dismissed the portion of their proposal to amend the FM Table of Allotments set forth in the footnote below (hereinafter "Proposal")^{1/} and (ii) issue a notice of proposed rule making

^{1/} The Joint Petitioners' Proposal consists of the following changes to the FM Table of Allotments: (1) reallocate Channel 249C1 from McQueeney, Texas to Converse, Texas (KVCQ); (2) allot Channel 232A to Flatonia, Texas; (3) delete Channel 244C1 at Georgetown, Texas and allot Channel 243C2 to Lago Vista, Texas (KHFI); (4) substitute Channel 256A for Channel 243A at Ingram, Texas (vacant); (5) delete Channel 248C at Waco, Texas and allot Channel 247C1 to Lakeway, Texas (KWTX); (6) substitute Channel 297A for Channel 242A at Llano, Texas (KBAE); (7) substitute Channel 249A for Channel 297A at Nolanville, Texas (KLFX); and (8) substitute Channel 245C1 for Channel 247C at San Antonio, Texas (KAJA).

Noted for record 014
LAWSON

which includes the elements of the Proposal, together with conflicting FM rule making proposals which were filed with the Commission by other parties subsequent to the filing of the Counterproposal. Due to the excessive delay (two and one-half years) in taking the initial action on the Proposal, the Joint Petitioners request that the Commission take this action on an expedited basis. In support, the following is stated:

1. This proceeding initially involved a proposal to add an FM channel to Quanah, Texas. *See Notice of Proposed Rule Making*, 15 FCC Rcd 15809 (2002) (“NPRM”). The Joint Petitioners timely filed a Counterproposal on October 10, 2000 which involved various communities in Texas and Oklahoma. Two and one-half years later, the Commission issued the *Report and Order*, which considered the Proposal as being separate and distinct from other elements of the counterproposal. It denied the other elements of the counterproposal due to a short spacing between the proposed substitution of Channel 230C1 at Archer City, Texas, and the then-pending application for Station KICM, Krum, Texas. *Report and Order* at ¶¶ 4-5. It also denied the Proposal, but not because of any technical defect – rather, solely on the ground that it did not conflict with the proposed allotment to Quanah, Texas, as set forth in the NPRM.^{2/} *Report and Order* at ¶¶ 6-7.

² The Commission also stated that it “no longer entertains alternative proposals set forth in counterproposals,” citing *Winslow, Camp Verde, Mayer and Sun City West, Arizona*, 16 FCC Rcd 9551 (2001). However, this policy does not bar acceptance and consideration of the Joint Petitioners’ Proposal for two reasons. First, this Proposal predates the stated change in policy. It was filed on October 10, 2000, at a time when the Commission routinely accepted and processed alternative proposals. The Commission did not change that policy until May, 2001. *Winslow, supra*. In doing so, it stated that the policy would become effective as to “an initial petition for rule making or in a counterproposal” upon publication in the Federal Register. *Id.* See 66 Fed. Reg. 29237 (May 30, 2001). It therefore has no applicability to the prior-filed instant Proposal. Second, the instant Proposal is not an “alternative proposal” within the scope of the *Winslow* policy. That policy was expressly designed to prevent alternatives in which the Commission was put to a choice as to which alternative to adopt, and consequently open itself to second-guessing on reconsideration. *See Winslow, supra*, 16 FCC Rcd at 9555 (“even a single optional or alternative proposal has required us to speculate on the proposal actually preferred by the proponent or what proposal would, in our view, have the greatest public interest benefit.”). In this case, there was no choice. If the counterproposal as a whole were defective, then one or the other of the two severed portions would necessarily be defective as well. Thus, only one of them *could* be grantable, and the Commission was not required

Cont’d. . . .

2. There is no dispute that the Proposal, standing alone, was facially acceptable. Accordingly, the Joint Petitioners submit that the Commission was *required* to consider the Proposal on its own merits and erred in dismissing it entirely. The Commission's decision to dismiss the Proposal without substantive consideration was contrary to principles of fundamental due process as embodied in the Administrative Procedure Act, inconsistent with a substantial body of case law (including a case decided as recently as May 30, 2003), and contrary to the public interest.

3. Under 5 U.S.C. § 553(e) of the APA, the Commission is required to give an interested person the right to petition for the issuance of a rule. If such a petition is denied, the agency must give prompt notice of its denial, and the reasons therefor. 5 U.S.C. § 555(e). It is not within the Commission's power to reject a petition for rule making outright unless it is patently defective. *National Org. for the Reform of Marijuana Laws v. Ingersoll*, 497 F.2d 654 (D.C. Cir. 1974); *See Municipal Light Boards v. FPC*, 450 F.2d 1341, 1345 (D.C. Cir. 1971), *cert. denied*, 405 U.S. 989 (1972) (rejection of a filing is appropriate if "the filing is so deficient on its face that the agency may properly return it to the filing party without even awaiting a responsive filing by any other party in interest"). The Joint Petitioners' Proposal was clearly *not* deficient on its face. Hence, the Commission was required to consider its merits.

4. Since the formation of the FM Table of Allotments, the Commission has entertained proposals for rule making to amend the FM Table of Allotments on a first-come, first-served basis. A *counterproposal* is simply a proposal for rule making that is mutually

... Cont'd.

to choose. Since the Commission found that the Joint Petitioners' Proposal was not in conflict with the proposed allotment to Quanah, Texas, it correctly treated it as a separate Proposal, not as an alternative. Thus, the *Winslow* policy was not a bar to accepting the Proposal and issuing a notice of proposed rule making.

exclusive with (and timely filed with respect to) another pending proposal. *See Implementation of BC Docket 80-90 to Increase the Availability of FM Broadcast Assignments*, 5 FCC Rcd 931 (1990). It is the element of mutual exclusivity that converts a proposal into a counterproposal. *See Pinewood, South Carolina*, 5 FCC Rcd 7609 (1990) (a mutually exclusive rule making proposal submitted by the counterproposal deadline in a proceeding is considered in the context of that proceeding).

5. On the other hand, if mutual exclusivity is not present, an FM rule making counterproposal is just like any other proposal to amend the FM Table of Allotments, and must be accepted and considered like every other FM rule making proposal, based on the date it was filed with the Commission. The Commission has consistently followed this rule. Most recently, in *Noblesville, Indianapolis, and Fishers, Indiana*, DA 03-1118 (rel. May 30, 2003), the Commission rejected a proposal that was not mutually exclusive with the original petition, but held that the proposal would be considered in a separate proceeding. *Id.* at ¶¶ 1 and 3 n.4. This is virtually identical to the present situation. *See also Saratoga, Wyoming et al.*, 15 FCC Rcd 10358, 10359 (2000) (counterproposal no longer in conflict with initial proposal treated as a new petition for rule making in a separate proceeding); *Alva, Oklahoma, et al.*, 11 FCC Rcd 20915 (1996) (counterproposal not in conflict with initial proposal accepted as a new petition); *Oakdale and Campti, Louisiana*, 7 FCC Rcd 1033 n.5 (1992) (proposal not in conflict with initial proposal set forth in separate notice of proposed rule making); *Kingston, Tennessee*, 2 FCC Rcd 3589 n.1 (1987) (proposal not in conflict with pending proposal accepted in a proceeding); *Cazenovia, New York, et al.*, 2 FCC Rcd 1169, 1171 n.2 (1987) (separate proceeding initiated to address non-conflicting counterproposal filed elsewhere). In the *Report and Order*, the Commission gave no reason why it treated the Joint Petitioners' Proposal differently than these

other proposals which involved counterproposals found not to be in conflict with initial rule making proposals.³ By failing to issue a separate notice of proposed rule making for the Proposal, the Commission deviated from past practice and did not act in accordance with the public interest.

6. The Commission must accept the Joint Petitioners' Proposal as a new petition for rule making on a *nunc pro tunc* basis – that is, with a priority dating back to the date it was filed, October 10, 2000. It is not appropriate for the Commission to dismiss the Proposal after two and one-half years and invite the Joint Petitioners to refile it, particularly given the Commission's actions in the intervening years since it was filed. In theory, if the Commission had done everything correctly, the Proposal would have been afforded protection from untimely applications and petitions, and the spectrum would currently be clear for the refiling of the same proposal. However, the Commission did not do everything correctly. Not only did it take two and one-half years – an unconscionable length of time – to find that the Joint Petitioners' Proposal did not conflict with the original proposal in the proceeding, but in violation of its own procedural rules, the Commission also accepted eight FM rule making proposals and granted one FM application which conflict with the Joint Petitioners' earlier filed Proposal. *See* Exhibit A. As the attached channel studies demonstrate, the Joint Petitioners cannot refile the Proposal as a new proposal, because it would conflict with numerous proposals which the Commission erroneously accepted after the Joint Petitioners' Proposal was filed. *See* Exhibit B.

³ A different situation is presented when a proposal is not mutually exclusive but rather *contingent* upon a specific outcome in a pending proceeding. In such situations, the Commission may dismiss the contingent proposal and it can be refiled when the proceeding has been concluded. *See Eufaula, Wagoner, Warner, and Sand Springs, Oklahoma*, 12 FCC Rcd 3743 (1997).

7. It would be unfair to require the Joint Petitioners to refile now, and somehow protect the subsequently filed proposals and allotments identified in Exhibit A, given that the Joint Petitioners filed first, and that the subsequent proposals were accepted erroneously. At this point, the Commission must consider the Joint Petitioners' Proposal in a new proceeding, dating back to the initial filing date of October 10, 2000. The Commission may also consider the proposals set forth in Exhibit A and consolidate them into one proceeding with the Joint Petitioners' Proposal.^{4/}

WHEREFORE, for the foregoing reasons, the Commission should issue a new notice of proposed rule making soliciting comment on Joint Petitioners' Proposal as originally filed on October 10, 2000, and the proposals set forth in Exhibit A. In view of the unconscionable length of time that has passed since the Proposal was filed, the Commission should take this action on an expedited basis.

⁴ One of these proposals, the allotment of Channel 232A at Victoria, Texas, was advanced in a counterproposal in MM Docket No. 02-248. However, this proceeding is still undecided, and the Victoria proposal could be consolidated with the Joint Petitioners' Proposal.

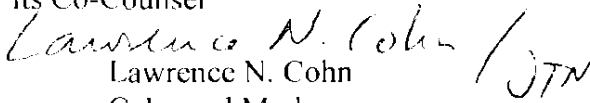
The conflicting construction permit for Channel 255C1 at Dilley, Texas (Station KLMO-FM) is another matter. The permit (BPH-20010102AAC) was issued in error because it conflicted with the prior-filed proposal to substitute Channel 256A at Ingram, Texas. Fortunately, there is a simple solution to this problem. The construction permit in fact does protect Channel 256A at Ingram. The permit was issued pursuant to Section 73.215 with respect to Stations KAYG, Camp Wood, Texas; KBUC, Pleasanton, Texas; and KJFK, Lampasas, Texas, and in affording contour protection to those stations it also affords contour protection to the Ingram allotment. Should the Joint Petitioners' Proposal be granted, the Dilley construction permit, with Section 73.215 protection towards Ingram, would not be affected.

RAWHIDE RADIO, LLC

By: 

Mark N. Lipp^{5/}
J. Thomas Nolan
Vinson & Elkins, LLP
1455 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
(202) 639-6500

Its Co-Counsel

 JTN
Lawrence N. Cohn
Cohn and Marks
1920 N Street, N.W.
Suite 300
Washington, D.C. 20036-1622
(202) 452-4817

Its Co-Counsel

June 16, 2003

Respectfully submitted,

CAPSTAR TX LIMITED PARTNERSHIP
CLEAR CHANNEL BROADCASTING
LICENSES, INC.

By:  JTN

Gregory L. Masters
Wiley Rein & Fielding LLP
1776 K Street, NW
Washington, DC 20006
(202) 719-7370

Their Counsel

⁵ Please note the new address for counsel.

EXHIBIT A

	<u>Channel</u>	<u>Docket No.</u>	<u>Community</u>	<u>Petitioner</u>	<u>Date Filed</u>	<u>Comments</u>
1.	255C1	Unbuilt (CP) KLMO-FM	Dilley, Texas	Dilley Broadcasters	1/2/01	Construction permit, File No. BPH-20010102AAO, granted 4/17/02, short-spaced to Channel 256A at Ingram, Texas. Provides Section 73.215 contour protection to proposed Ingram allotment with no change in facilities.
2.	232A	01-105	Shiner, Texas	Stargazer Broadcasting, Inc.	4/6/01	Conflicts with proposed allotment of Channel 232A at Flatonia, Texas.
3.	256A	-----	Harper, Texas	Charles Crawford	5/7/01	Conflicts with proposed substitution of Channel 256A for Channel 243A at Ingram, Texas.
4.	245C3	01-153	Tilden, Texas	Charles Crawford	5/18/01	Conflicts with proposed substitution of Channel 245C1 for Channel 247C at San Antonio, Texas.
5.	250A	01-130	Batesville, Texas	Charles Crawford	5/21/01 5/23/01	Conflicts with proposed reallocation of Channel 249C1 from McQueeney to Converse, Texas.
6.	249C3	01-133	Mason, Texas	Charles Crawford	5/25/01	Conflicts with proposed reallocation of Channel 249C1 from McQueeney to Converse, Texas.
7.	297A	01-154	Goldthwaite, Texas	Charles Crawford	5/29/01	Conflicts with proposed substitution of Channel 297A for Channel 242A at Llano, Texas.
8.	243A	01-188	Evant, Texas	Charles Crawford	6/15/01	Conflicts with proposed substitution of Channel 243C2 at Lago Vista, Texas for Channel 244C1 at Georgetown, Texas.
9.	232A	02-248	Victoria, Texas	New Ulm Broadcasting Co.	10/21/02	Conflicts with proposed allotment of Channel 232A at Flatonia, Texas.

EXHIBIT B

Channel 247C1 Lakeway Texas (KWTX)
Allocation Study

REFERENCE

30 18 27 N
97 46 46 W

CLASS = C1
Current Spacings

DISPLAY DATES

DATA 04-24-03
SEARCH 05-25-03

----- Channel 247 - 97.3 MHz -----

Call	Channel	Location		Dist	Azi	FCC	Margin
RADD	ADD 247C1	Lakeway	TX	0.00	0.0	245.0	-245.00
RDEL	DEL 248C	Waco	TX	0.00	0.0	209.0	-209.00
KAJA	LIC 247C	San Antonio	TX	125.95	226.5	270.0	-144.05
RDEL	DEL 247C	San Antonio	TX	131.56	227.3	270.0	-138.44
KWTXFM	LIC 248C	Waco	TX	122.70	21.2	209.0	-86.30
KWTXFM	CP 248C	Waco	TX	122.73	21.3	209.0	-86.27
RDEL	DEL 244C1	Georgetown	TX	2.63	308.6	82.0	-79.37
KHFIFM	LIC 244C1	Georgetown	TX	2.63	308.6	82.0	-79.37
RDEL	DEL 244C1	Georgetown	TX	19.20	328.5	82.0	-62.80
RADD	ADD 248C2	Marlin	TX	111.55	32.1	158.0	-46.45
RDEL	DEL 248C2	Waco	TX	144.96	22.4	158.0	-13.04
RADD	ADD 249A	Nolanville	TX	89.23	12.2	75.0	14.23
ALLO	RSV 249C1	McQueeney	TX	105.99	173.9	82.0	23.99
KVCQ.C	CP 249C1	McQueeney	TX	107.38	173.1	82.0	25.38
RADD	ADD 249C1	Converse	TX	119.75	214.7	82.0	37.75
RDEL	DEL 249C1	McQueeney	TX	119.75	214.7	82.0	37.75
RADD	ADD 249C1	Converse	TX	119.75	214.7	82.0	37.75
RADD	ADD 245C1	San Antonio	TX	131.56	227.3	82.0	49.56

37

Channel 245C1 San Antonio Texas (KAJA)
Allocation Study

REFERENCE

29 30 01 N
98 46 41 W

CLASS = C1
Current Spacings

DISPLAY DATES

DATA 04-24-03
SEARCH 05-25-03

----- Channel 245 - 96.9 MHz -----

Call	Channel	Location		Dist	Azi	FCC	Margin
RADD	ADD 245C1	San Antonio	TX	0.00	0.0	245.0	-245.00
RDEL	DEL 247C	San Antonio	TX	0.00	0.0	105.0	-105.00
KAJA	LIC 247C	San Antonio	TX	5.88	63.8	105.0	-99.12
RADD	ADD 245C3	Tilden	TX	115.28	167.0	211.0	-95.72
RDEL	DEL 244C1	Georgetown	TX	131.18	45.6	177.0	-45.82
KHFIFM	LIC 244C1	Georgetown	TX	131.18	45.6	177.0	-45.82
RDEL	DEL 244C1	Georgetown	TX	136.54	38.8	177.0	-40.46
ALLO	244	Piedras Negras	CI	190.58	242.9	209.0	-18.42
KIOXFM	LIC 245C1	El Campo	TX	244.51	105.5	245.0	-0.49
KXYLFM	LIC 245C1	Brownwood	TX	245.29	355.1	245.0	0.29
ALLO	USE 245C1	Brownwood	TX	245.29	355.1	245.0	0.29
ALLO	VAC 243A	Ingram	TX	77.53	325.5	75.0	2.53
RDEL	DEL 243A	Ingram	TX	77.53	325.5	75.0	2.53
KXYLFM	CP 245C1	Brownwood	TX	254.82	348.2	245.0	9.82
KXTNFM	LIC 298C	San Antonio	TX	55.78	116.6	41.0	14.78
RDEL	DEL 248C	Waco	TX	131.56	46.8	105.0	26.56
ALLO	246	Nuevo Laredo	TA	226.44	200.9	195.0	31.44
XHNLOF	OPE 246B	Nuevo Laredo	TA	234.75	197.7	195.0	39.75
ALLO	VAC 242A	Cotulla	TX	118.05	201.0	75.0	43.05
RADD	ADD 247C1	Lakeway	TX	131.56	46.8	82.0	49.56
RADD	ADD 243C2	Lago Vista	TX	136.54	38.8	79.0	57.54
RADD	ADD 243C2	Lago Vista	TX	136.54	38.8	79.0	57.54
KBAE	LIC 242A	Llano	TX	133.02	8.5	75.0	58.02
RDEL	DEL 242A	Llano	TX	137.01	6.6	75.0	62.01
ALLO	VAC 242A	Yorktown	TX	139.47	111.1	75.0	64.47
RDEL	DEL 242A	Yorktown	TX	139.47	111.1	75.0	64.47
RADD	ADD 242A	Shiner	TX	146.30	91.0	75.0	71.30
RADD	ADD 242A	Flatonia	TX	152.30	84.7	75.0	77.30
RVAC	VAC 299A	Leakey	TX	110.40	281.9	22.0	88.40

42

Channel 243C2 Lago Vista Texas (KHFI)
Allocation Study

REFERENCE

30 27 18 N

97 53 03 W

CLASS = C2

Current Spacings

DISPLAY DATES

DATA 04-24-03

SEARCH 05-25-03

----- Channel 243 - 96.5 MHz -----

Call	Channel	Location		Dist	Azi	FCC	Margin
RADD	ADD 243C2	Lago Vista	TX	0.00	0.0	190.0	-190.00
RADD	ADD 243C2	Lago Vista	TX	0.00	0.0	190.0	-190.00
RDEL	DEL 244C1	Georgetown	TX	0.00	0.0	158.0	-158.00
KHFIFM	LIC 244C1	Georgetown	TX	16.76	151.5	158.0	-141.24
RDEL	DEL 244C1	Georgetown	TX	16.76	151.5	158.0	-141.24
RADD	ADD 243A	Evant	TX	116.79	347.3	166.0	-49.21
KBAE	LIC 242A	Llano	TX	70.73	291.6	106.0	-35.27
RDEL	DEL 242A	Llano	TX	76.07	293.7	106.0	-29.93
RDEL	DEL 243A	Ingram	TX	136.65	252.3	166.0	-29.35
ALLO	VAC 243A	Ingram	TX	136.65	252.3	166.0	-29.35
KHMX	LIC 243C	Houston	TX	248.90	112.6	249.0	-0.10
ALLO	VAC 240A	Burnet	TX	58.88	318.5	55.0	3.88
RADD	ADD 242A	Flatonia	TX	113.30	145.1	106.0	7.30
RADD	ADD 242A	Shiner	TX	124.32	151.5	106.0	18.32
KGSR	LIC 296C2	Bastrop	TX	47.18	141.6	20.0	27.18
RADD	ADD 240A	Giddings	TX	85.33	104.6	55.0	30.33
KXXM	LIC 241C1	San Antonio	TX	116.09	218.4	79.0	37.09
RDEL	DEL 242A	Yorktown	TX	162.40	164.7	106.0	56.40
ALLO	VAC 242A	Yorktown	TX	162.40	164.7	106.0	56.40
RADD	ADD 245C1	San Antonio	TX	136.54	219.3	79.0	57.54
KLFX	LIC 297A	Nolanville	TX	75.49	21.1	15.0	60.49
RADD	ADD 297A	Llano	TX	76.07	293.7	15.0	61.07
RDEL	DEL 297A	Nolanville	TX	76.55	22.1	15.0	61.55
KLFX.A	APP 297A	Nolanville	TX	76.55	22.1	15.0	61.55
KSCS	LIC 242C	Fort Worth	TX	252.00	19.9	188.0	64.00
KLTG	LIC 243C1	Corpus Christi	TX	302.04	174.7	224.0	78.04
RADD	ADD 241C2	College Station	TX	145.36	76.2	58.0	87.36

46

Channel 297A Llano Texas (KBAE)
Allocation Study

REFERENCE

30 43 40 N

98 36 43 W

CLASS = A

Current Spacings

DISPLAY DATES

DATA 04-24-03

SEARCH 05-25-03

----- Channel 297 - 107.3 MHz -----

Call	Channel	Location		Dist	Azi	FCC	Margin
RADD	ADD 297A	Llano	TX	0.00	0.0	115.0	-115.00
RADD	ADD 297A	Goldthwaite	TX	83.45	353.0	115.0	-31.55
KLFX	LIC 297A	Nolanville	TX	104.85	67.1	115.0	-10.15
KLFX.A	APP 297A	Nolanville	TX	106.60	67.3	115.0	-8.40
RDEL	DEL 297A	Nolanville	TX	106.60	67.3	115.0	-8.40
KXTNFM	LIC 298C	San Antonio	TX	164.52	168.2	165.0	-0.48
KHLBFM	LIC 295A	Burnet	TX	30.53	88.1	31.0	-0.47
RADD	ADD 297A	Junction	TX	114.91	255.1	115.0	-0.09
KFANFM	LIC 300C2	Johnson City	TX	58.90	182.5	55.0	3.90
KFANFM	APP 300C2	Johnson City	TX	58.90	182.5	55.0	3.90
RADD	ADD 296A	Brady	TX	83.88	301.9	72.0	11.88
KGSR	LIC 296C2	Bastrop	TX	119.83	124.0	106.0	13.83

#51

Channel 249A Nolanville Texas (KLFX)
Allocation Study

REFERENCE

31 05 38 N

97 34 51 W

CLASS = A

Current Spacings

DISPLAY DATES

DATA 04-24-03

SEARCH 05-25-03

----- Channel 249 - 97.7 MHz -----

Call	Channel	Location		Dist	Azi	FCC	Margin
KWTXFM LIC 248C	Waco	TX		37.34	43.5	165.0	-127.66
KWTXFM CP 248C	Waco	TX		37.38	43.5	165.0	-127.62
RADD ADD 249A	Nolanville	TX		0.00	0.0	115.0	-115.00
RDEL DEL 248C	Waco	TX		89.23	192.3	165.0	-75.77
RADD ADD 248C2	Marlin	TX		41.12	80.0	106.0	-64.88
RDEL DEL 248C2	Waco	TX		59.32	38.0	106.0	-46.68
ALLO RSV 249C1	Mcqueeney	TX		192.74	182.4	200.0	-7.26
KVCQ.C CP 249C1	Mcqueeney	TX		193.88	181.8	200.0	-6.12
RDEL DEL 249C1	Mcqueeney	TX		205.04	205.2	200.0	5.04
RADD ADD 249C1	Converse	TX		205.04	205.2	200.0	5.04
RADD ADD 249C1	Converse	TX		205.04	205.2	200.0	5.04
KVLZ LIC 252A	Gatesville	TX		41.39	343.7	31.0	10.39
KASZ.A APP 252A	Gatesville	TX		41.39	343.7	31.0	10.39
KBFB LIC 250C	Dallas	TX		175.53	19.1	165.0	10.53
KVETFM LIC 251C1	Austin	TX		87.98	193.8	75.0	12.98
RADD ADD 247C1	Lakeway	TX		89.23	192.3	75.0	14.23
RADD ADD 249C3	Mason	TX		159.74	255.6	142.0	17.74

54

Channel 249C1 Converse Texas (KVCQ)
Allocation Study

REFERENCE

29 25 07 N

98 29 02 W

CLASS = C1
Current Spacings

DISPLAY DATES

DATA 04-24-03

SEARCH 05-25-03

----- Channel 249 - 97.7 MHz -----

Call	Channel	Location		Dist	Azi	FCC	Margin
RADD	ADD 249C1	Converse	TX	0.00	0.0	245.0	-245.00
RADD	ADD 249C1	Converse	TX	0.00	0.0	245.0	-245.00
RDEL	DEL 249C1	Mcqueeney	TX	0.00	0.0	245.0	-245.00
ALLO	RSV 249C1	Mcqueeney	TX	79.95	94.8	245.0	-165.05
KVCQ.C	CP 249C1	Mcqueeney	TX	81.78	95.5	245.0	-163.22
RDEL	DEL 248C	Waco	TX	119.75	34.3	209.0	-89.25
KVCQ	LIC 249C3	Mcqueeney	TX	126.92	107.3	211.0	-84.08
KAJA	LIC 247C	San Antonio	TX	26.00	296.8	105.0	-79.00
RDEL	DEL 247C	San Antonio	TX	29.94	287.8	105.0	-75.06
RADD	ADD 249C3	Mason	TX	160.55	334.9	211.0	-50.45
RADD	ADD 250A	Batesville	TX	109.41	246.7	133.0	-23.59
RADD	ADD 250A	George West	TX	134.86	166.5	133.0	1.86
RADD	ADD 249A	Nolanville	TX	205.04	24.7	200.0	5.04
KFTX	LIC 248C1	Kingsville	TX	204.94	155.0	177.0	27.94
ALLO	248	San Carlos	CI	238.39	260.1	209.0	29.39
KWTXFM	LIC 248C	Waco	TX	240.78	27.5	209.0	31.78
KWTXFM	CP 248C	Waco	TX	240.82	27.5	209.0	31.82
RADD	ADD 247C1	Lakeway	TX	119.75	34.3	82.0	37.75
KVETFM	LIC 251C1	Austin	TX	120.10	33.1	82.0	38.10

55-

Channel 249C1 McQueeney Texas (KVCQ)
Allocation Study

REFERENCE

29 25 07 N

98 29 02 W

CLASS = C1

Current Spacings

DISPLAY DATES

DATA 04-24-03

SEARCH 05-25-03

----- Channel 249 - 97.7 MHz -----

Call	Channel	Location		Dist	Azi	FCC	Margin
RADD	ADD 249C1	Converse	TX	0.00	0.0	245.0	-245.00
RADD	ADD 249C1	Converse	TX	0.00	0.0	245.0	-245.00
RDEL	DEL 249C1	McQueeney	TX	0.00	0.0	245.0	-245.00
ALLO	RSV 249C1	McQueeney	TX	79.95	94.8	245.0	-165.05
KVCQ.C	CP 249C1	McQueeney	TX	81.78	95.5	245.0	-163.22
RDEL	DEL 248C	Waco	TX	119.75	34.3	209.0	-89.25
KVCQ	LIC 249C3	McQueeney	TX	126.92	107.3	211.0	-84.08
KAJA	LIC 247C	San Antonio	TX	26.00	296.8	105.0	-79.00
RDEL	DEL 247C	San Antonio	TX	29.94	287.8	105.0	-75.06
RADD	ADD 249C3	Mason	TX	160.55	334.9	211.0	-50.45
RADD	ADD 250A	Batesville	TX	109.41	246.7	133.0	-23.59
RADD	ADD 250A	George West	TX	134.86	166.5	133.0	1.86
RADD	ADD 249A	Nolanville	TX	205.04	24.7	200.0	5.04
KFTX	LIC 248C1	Kingsville	TX	204.94	155.0	177.0	27.94
ALLO	248	San Carlos	CI	238.39	260.1	209.0	29.39
KWTXFM	LIC 248C	Waco	TX	240.78	27.5	209.0	31.78
KWTXFM	CP 248C	Waco	TX	240.82	27.5	209.0	31.82
RADD	ADD 247C1	Lakeway	TX	119.75	34.3	82.0	37.75
KVETFM	LIC 251C1	Austin	TX	120.10	33.1	82.0	38.10

#60A

Channel 256A Ingram Texas (Vacant Channel 243A)
Allocation Study

REFERENCE
30 04 30 N
99 14 06 W

CLASS = A
Current Spacings

DISPLAY DATES
DATA 04-24-03
SEARCH 05-25-03

----- Channel 256 - 99.1 MHz -----

Call	Channel	Location		Dist	Azi	FCC	Margin
RADD	ADD 256A	Ingram	TX	0.00	0.0	115.0	-115.00
RADD	ADD 256A	Harper	TX	23.95	349.3	115.0	-91.05
KAYG	LIC 256A	Camp Wood	TX	85.32	242.2	115.0	-29.68
KLMOFM	CP 255C1	Dilley	TX	125.57	182.0	133.0	-7.43
RADD	ADD 257A	Leakey	TX	72.07	239.5	72.0	0.07
KBBT	LIC 253C1	Schertz	TX	78.61	141.0	75.0	3.61
ALLO	USE 253C1	Schertz	TX	78.61	141.0	75.0	3.61
KHHL	LIC 255C1	Leander	TX	139.75	58.5	133.0	6.75
KHHL.C	CP 255C2	Leander	TX	139.05	75.0	106.0	33.05
KLMOFM	LIC 255C1	Dilley	TX	167.19	180.5	133.0	34.19
KISSFM	LIC 258C	San Antonio	TX	129.21	133.3	95.0	34.21
RADD	ADD 259A	Mason	TX	74.83	0.1	31.0	43.83

#61

Channel 232A Flatonia Texas (Proposed Allotment)
 Allocation Study

REFERENCE

29 37 00 N

97 12 44 W

CLASS = A

Current Spacings

DISPLAY DATES

DATA 04-24-03

SEARCH 05-25-03

----- Channel 232 - 94.3 MHz -----

Call	Channel	Location		Dist	Azi	FCC	Margin
RADD	ADD 232A	Flatonia	TX	0.00	0.0	115.0	-115.00
RDEL	DEL 232A	Flatonia	TX	0.00	0.0	115.0	-115.00
RDEL	DEL 232A	Shiner	TX	20.37	182.7	115.0	-94.63
RADD	ADD 232A	Shiner	TX	20.37	182.7	115.0	-94.63
RADD	ADD 232A	Victoria	TX	96.65	166.9	115.0	-18.35
KTBBZFM	LIC 233C	Houston	TX	164.97	91.1	165.0	-0.03
KLBZFM	LIC 229C	Austin	TX	95.10	324.2	95.0	0.10
KAMX	LIC 234C	Luling	TX	96.66	324.4	95.0	1.66
KULF	LIC 231C3	Brenham	TX	96.42	52.5	89.0	7.42
ALLO	VAC 231C2	Brenham	TX	120.45	44.1	106.0	14.45
KULF.A	APP 231C2	Brenham	TX	120.45	44.1	106.0	14.45
KAJI	LIC 231C3	Point Comfort	TX	105.86	152.6	89.0	16.86
KAJI.C	CP 231C3	Point Comfort	TX	109.06	150.3	89.0	20.06
KEMA	LIC 233C2	Three Rivers	TX	128.13	219.2	106.0	22.13
KHTZ	LIC 232A	Cameron	TX	138.76	7.2	115.0	23.76
KLEYFM	LIC 231C2	Floresville	TX	135.11	249.4	106.0	29.11
KEMA.A	APP 233C2	Three Rivers	TX	135.17	224.1	106.0	29.17
KEMA.A	APP 233C2	Three Rivers	TX	135.17	224.1	106.0	29.17
KRVL	LIC 232C2	Kerrville	TX	198.44	291.4	166.0	32.44
KBUK	LIC 285A	La Grange	TX	44.60	48.4	10.0	34.60
RADD	ADD 235C2	Ganado	TX	91.22	150.4	55.0	36.22
RDEL	DEL 231C3	Point Comfort	TX	131.82	145.2	89.0	42.82

[Handwritten signature]

CERTIFICATE OF SERVICE

I, Lisa Balzer, a secretary in the law firm of Vinson & Elkins, do hereby certify that on this 16th day of June, 2003, I caused copies of the foregoing "Petition for Reconsideration" to be mailed, first class postage prepaid, or hand delivered, addressed to the following persons:

*Robert Hayne, Esq.
Federal Communications Commission
Media Bureau
Audio Division
445 12th Street, S.W.
Room 3-A262
Washington, D.C. 20554

Matthew L. Leibowitz, Esq.
Joseph A. Belisle, Esq.
Leibowitz & Associates, P.A.
One Southeast Third Avenue
Suite 1450
Miami, FL 33131-1715
(Counsel to Next Media Licensing, Inc.)

Maurice Salsa
5615 Evergreen Valley Drive
Kingwood, TX 77345

Dan J. Alpert, Esq.
Law Office of Dan J. Alpert
2120 North 21st Road
Suite 400
Arlington, VA 22201
(Counsel to M&M Broadcasters, Ltd.)

Gene A. Bechtel, Esq.
Law Office of Gene Bechtel, P.C.
1050 17th Street, N.W.
Suite 600
Washington, D.C. 20036
(Counsel to Elgin FM Limited Partnership and
Charles Crawford)

Robert Lewis Thompson, Esq.
Thiemann, Aitken & Vohra, L.L.C.
908 King Street, Suite 300
Alexandria, VA 22314

(Counsel to AM & PM Broadcasting, L.L.C.)

Jeffrey D. Southmayd, Esq.
Southmayd & Miller
1220 19th Street, N.W.
Suite 400
Washington, D.C. 20036
(Counsel to The Sister Sherry Lynn Foundation, Inc.)

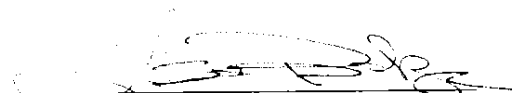
Texas Grace Communications, Inc.
c/o Dave Garey
P.O. Box 8481
Gulfport, Mississippi

Arthur V. Belendiuk, Esq.
Smithwick & Belendiuk, P.C.
5028 Wisconsin Avenue, N.W.
Suite 301
Washington, D.C. 20016
(Counsel to Dilley Broadcasters)

Stargazer Broadcasting, Inc.
c/o David P. Garland
1110 Hackney
Houston, TX 77023

BK Radio
c/o Bryan King
1809 Lightsey Road
Austin, TX 78704

Katherine Pycatt
6655 Aintree Circle
Dallas, TX 75214



Lisa M. Balzer

* Hand Delivered